
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

ROGER CAMPBELL,

Plaintiff,

v.

J. WHITEAR, T. MOULTON, BOUNTIFUL
CITY, and NORTH SALT LAKE CITY,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:21-cv-00421-JNP-CMR

District Judge Jill N. Parrish

According to his second amended pro se complaint, Plaintiff Roger Campbell had an altercation with the police that resulted in him being tased multiple times. ECF No. 55. He suffered physical and psychological harm and now sues for compensatory damages under a failure-to-train theory, presumably relying on 42 U.S.C. § 1983. *Id.* His complaint was referred to Magistrate Judge Cecilia M. Romero under 28 U.S.C. § 636(b)(1)(B).

Judge Romero prepared a Report and Recommendation that the court dismiss Mr. Campbell's complaint because it fails to refer to a Bountiful City or North Salt Lake City policy or custom that is unconstitutional, much less a causal link between the custom and his injury (both of which are required for a failure-to-train claim). ECF No. 59, at 4. Her Report and Recommendation proposed dismissal with prejudice because Mr. Campbell was previously given leave to amend his complaint along with instructions for curing the earlier deficiencies, yet he did not successfully remedy the deficiencies in his second amended complaint. *Id.* at 5–6. Her Report

and Recommendation also notified the parties that a failure to file a timely objection to the recommendation could waive any objections to it. No objection was filed in the time allotted.

Because Mr. Campbell did not object to the Report and Recommendation, he has waived any argument challenging its recommendations. *Paciorek v. Church of Jesus Christ of Latter-Day Saints*, No. 2:23-cv-00904, 2024 WL 2818881 (D. Utah June 3, 2024). And nothing indicates that the interests of justice demand excusing waiver here. *Id.*

But even if the court excused waiver and reviewed for clear error, the court would conclude that Judge Romero's analysis is not clearly erroneous. *See Zloza v. Indus. Co.*, No. 4:23-cv-17, 2023 WL 2760784, at *1 (D. Utah Apr. 3, 2023) (explaining that the court reviews unobjected-to portions of a magistrate judge's report and recommendations for clear error). Thus, the court ADOPTS the Report and Recommendation in full and DISMISSES this action WITH PREJUDICE.

Signed March 26, 2025

BY THE COURT



Jill N. Parrish
United States District Court Judge